

III. REMARKS

Reconsideration and reversal of the rejections expressed in the Office Action of April 19, 2006 are respectfully contended in view of the following remarks and the application as amended. The present invention relates to a method of controlling objectionable odors in and around aqueous systems. The method comprises adding to the aqueous system or spraying into the atmosphere adjacent to the aqueous system an odor control treatment comprising an organic halogen donor species.

Claims 1, 6-7, 13 and 18-19 were rejected under 35 U.S.C. 102(b) as being anticipated by Lin (WO 99/46350). Lin relates to an aqueous mixture of an odor neutralizer component, an enhancer component for microbial activity, and a microbial component. Note that an important component in Lin is the plant extract yucca schidigera, which as noted at page 3, line 29 – page 4, line 4 of Lin: “...has been found to be effective for enhancing activity of microorganisms, both introduced and indigenous. Our tests have demonstrated that use of yucca schidigera, in conjunction with microbial strains and other ingredients of the formulations, can significantly enhance the growth of microbes in the treated system, thus increasing the biodegradation of odor sources.” (emphasis added) In contrast, the present invention does not teach or contemplate the use of such microbial growth enhancers, as reflected in the instant claims as amended. Indeed, in accordance with the present invention, the addition of additional microbial sources would be potentially deleterious to the particular systems (e.g., paper mills, municipal waste treatment plants) to be treated.

Furthermore, Lin is directed toward biological methods and compositions for deodorizing various odor generating compounds. For instance, the description under the Field of the Invention states that the invention is directed to a novel biological deodorizing liquid composition, while at page 3 of the reference, Lin states that the object of the invention was to provide a stable liquid deodorizing composition that contains neutralizers, a microbial activity enhancer, and microbial strains. Thus, Lin’s disclosure is directed towards a biological method and composition for odor control utilizing a chemical neutralizer and microbial components.

In contrast, Applicant specifically discloses and claims a chemical method for deodorizing, and expressly states the disadvantages of using chemical neutralizers in the

specification at page 2, lines 17 – 27: “Odor neutralization is a phenomenon in which odors can seem to cancel each other. Rather than overpowering an offensive odor with a more pleasing one of a masking agent, the aim of neutralization is to produce a net zero odor. In the process of neutralization, there is no chemical interaction between the odor causing chemical and the neutralizing agent. Like masking agents, they can exacerbate a problem if the odor that is neutralized is also toxic. Another disadvantage of neutralizing agents is that a multi-component odor will typically require a multi-component blend of neutralizing chemicals. To completely neutralize complex odors, individual blends of neutralizing chemicals would need to be developed for each individual application.”

Thus, Applicant has clearly indicated that the use of neutralizers is disadvantageous. Applicant’s invention is a chemical treatment method for deodorizing an aqueous system/solution. On the other hand, Lin expressly teaches the use of chemical neutralizers in a biological method of odor control. While Lin does disclose the use of 5-chloro-2-methyl-4-isothiazolin-3-one, the addition of the chemical neutralizers and microbial components disclosed in Lin would materially alter Applicant’s claimed invention. Therefore, this rejection is overcome.

Claims 8 and 10-11 were rejected under 35 U.S.C. 102(b) as being anticipated by Cox et al., U.S. Patent No. 6,106,853. These claims have been canceled by this Amendment and Response.

For all of the above reasons, it is respectfully contended that the solicited claims define patentable subject matter. Reconsideration and reversal of the rejections expressed in the Office Action of April 19, 2006 are respectfully requested. The Examiner is invited to call the undersigned if any questions arise during the course of reconsideration of this matter.

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Respectfully submitted,

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